REMARKS

This Amendment is being filed in response to the Office Action dated December 12, 2007. Claims 1, 2, 5, 7 and 16 have been amended. Claims 6 and 11 have been canceled. Claims 12 through 14 and 19 through 22 were previously cancelled. New claims 24 through 28 have been added. The application now includes claims 1 through 5, 7 through 10, 15 through 18 and 23 through 28, with claims 1, 15, 16 and 24 being independent claims.

In the Office Action, the Examiner rejected claims 1 through 6 and 8 through 11 under 35 U.S.C. 103(a) as being unpatentable over EP0452622. With regard to independent claim 1, the Examiner stated that the EP0452622 reference disclosed all of the limitations recited in the rejected claims except for the bracket being one piece. However, the Examiner then stated that lacking a disclosure that a one piece bracket has an advantage or solves a stated problem, it would have been obvious to utilize a one piece bracket.

Applicants have amended independent claim 1 to recite a generally U-shaped one piece bracket outer supporting shell that includes an open portion adapted to receive a control unit. The amendment of claim 1 is supported by Fig. 2 and thus adds no new material.

Applicants note that the EP0452622 reference concerns supporting a flexible beam 18 within an aperture formed through a supporting housing 19. As clearly stated in the Abstract of the EP0452622 reference:

> The beam is held in a housing 19 via *two* half shells (1, 1') which consist of an outer layer (2) and intermediate elastomer layers (5, 6, 7) and of an elastomer film (4) facing the flexible beam (18). (Emphasis Added)

As clearly shown in Fig. 5, the reference actually discloses a <u>pair</u> of generally U-shaped half shells (1, 1') that have ends contacting one another to form a generally rectangular outer shell of a rubber-metal support (17) for a flexible beam (18). As such, the outer shell completely surrounds the flexible beam (18).

Nothing in the EP0452622 reference shows or suggests a generally U-shaped one piece bracket outer supporting shell that includes an open portion adapted to receive a control unit, as recited in amended claim 1. Indeed, because the outer shell does not include an open portion adapted to receive a control unit, as recited in amended independent claim 1, applicants believe that the EP0452622 reference actually teaches away from amended claim 1. Additionally, applicants note that removal of a portion of the outer shell (1, 1') in the EP0452622 reference to allow receiving a control unit would allow a surface of the flexible beam (18) to contact the housing (19). This would totally defeat the purpose of the teaching of the reference to "provide a firm and wear-free support and holding of a flexible beam". Accordingly, applicants believe that amended independent claim 1 is patentable over the art of record and respectfully request that the Examiner withdraw his rejection of the claim.

Regarding claim 2, the Examiner stated that the EP0452622 reference discloses an inner supporting structure formed from a non-resilient material that is opposite from the outer supporting shell, the inner surface being adapted to be attached to the control unit.

Applicants have amended dependent claim 2 to recite that the mounting device further includes a generally U-shaped inner supporting structure formed from a non-resilient material. Applicants also have amended claim 2 to recite that the inner structure includes an open portion adapted to receive and be attached to the control unit. Applicants believe that the Examiner is referring to the layer labeled (4) in Fig. 5 of the EP0452622 reference. However, the layer labeled (4) is clearly described in the Abstract of the EP0452622 reference as "an elastomer film (4) facing the flexible beam" (Emphasis Added). The Third College Edition of the Webster's New World Dictionary defines "elastomer" as:

> a rubber-like synthetic polymer, as silicon rubber

Based upon the above definition, it would appear that the film (4) disclosed in the EP0452622 reference is formed from a resilient material. Therefore, applicants believe that the EP0452622 reference clearly teaches away from an inner supporting structure formed from a non-resilient material, as recited in amended claim 2. Additionally, as described above, applicants also have amended claim 2 to recite that the inner structure includes an open portion adapted to receive and be attached to the control unit. As shown in Fig. 5 of the EP0452622 reference, the elastomer film (4) completely surrounds the flexible beam (18). Thus, similar to the discussion presented above regarding amended independent claim 1, removal of a portion of the elastomer film (4) to allow receiving a control unit, as recited in amended claim 2, would defeat the purpose of the teaching of the reference to "provide a firm and wear-free support and holding of a flexible beam". Accordingly, for the reasons given above, applicants believe that amended dependent claim 2 is patentable over the art of record and respectfully request that the Examiner withdraw his rejection of the claim.

Regarding claim 5, the Examiner stated that the EP0452622 reference discloses, in the Abstract, that the layer of resilient material is adhesively bonded to the supporting shell and the inner supporting structure.

Applicants have amended claim 5 to recite that the layer of resilient material is adhesively bonded to both the outer supporting shell and the supporting structure. Applicants have carefully reviewed the Abstract and Fig. 5 in the EP0452622 reference, and have failed to find any teaching that the intermediate elastometer layers (5, 6, 7) are adhesively bonded to the inner and outer supporting structures. Indeed Fig. 5 shows a pair of fasteners (20, 22) that appear to be rivets for securing the components of the support (17) together. Based upon this observation, applicants believe that the EP0452622 reference not only does not disclose adhesive bonding, as recited in amended claim 5, but also actually teaches away from the structure recited in amended claim 5. Accordingly applicants believe that amended

dependent claim 5 is patentable over the art of record and respectfully request that the Examiner withdraw his rejection of the claim.

Regarding claims 3, 4 and 7, the claims are dependent upon amended independent claim 1 and amended dependent claim 2 and include all of the limitations recited therein. Accordingly, for the reasons given above, applicants also believe that claims 3, 4 and 7 are patentable over the art of record and respectfully request that the Examiner withdraw his rejection of the claims.

Regarding claims 8 through 10, the Examiner stated that the EP0452622 reference discloses all of the limitations recited in the claims. However, claims 8 and 9 are dependent upon amended independent claim 1 and thereby include all of the limitations recited therein. Accordingly, for the reasons given above, applicants believe that claims 8 and 9 are patentable over the art of record and respectfully request that the Examiner withdraw his rejection of the claims.

With regard to claim 10, the claim recites that the layer of resilient material is adhesively bonded to the outer supporting shell. Accordingly, for the reasons presented above with reference to claim 5, applicants also believe that claim 10 is patentable over the art of record and respectfully request that the Examiner withdraw his rejection of the claim.

In the Office Action, the Examiner also rejected claims 16 through 18 under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of the Schaible et al. reference. The Examiner stated that the AAPA teaches a control unit assembly, but does not teach a one piece bracket outer supporting shell and a layer of resilient material disposed within and attached to the outer supporting shell. The Examiner further stated that the Schaible et al. reference teaches a one piece bracket outer supporting shell and a layer of resilient material disposed within and attached to the outer supporting shell. The Examiner then concluded that it would have been obvious to utilize the one piece bracket with a layer of resilient material as taught by the Schaible et al. reference with the control unit of AAPA so as to absorb vibration produced from the control unit.

Applicants have amended independent claim 16 to recite a continuous layer of resilient material disposed within and attached to an outer bracket. Applicants also have amended claim 16 to recite a control unit disposed in proximity to the layer of resilient material with the layer of resilient material forming an insulative barrier that completely isolates the outer supporting bracket from the control unit to prevent any contact between the outer supporting structure and the control unit.

Applicants have carefully reviewed the Schaible et al. reference and believe that the reference discloses two methods for attaching a detector housing 100 to a bracket 110. The first method is illustrated by Figs. 3A through 3C of the reference. As stated in column 3, lines 64 through 67:

> First mounting means 105 are arranged on at least two sides of the housing 100, for cooperation with second mounting means 115 arranged on the mounting bracket 110, to mount the housing to the bracket. Third mounting means 125 are arranged on the mounting bracket, to mount the bracket to the vehicle.

An examination of Fig. 3C clearly reveals that the second and third mounting means 115 and 125, respectively, consist of pairs of apertures formed completely through both the mounting bracket 110 and the resilient coating. It is also clear from Figs. 3A and 3B that the first mounting means 105 consists of a pair of bosses that include apertures that align with the second mounting means apertures 115. Implicit in the disclosure is the use of a pair of fasteners, such as screws, that would extend through the second mounting means 115 and into the apertures formed in the first mounting means 105. Such fasteners would, of necessity, have to penetrate the resilient coating disposed upon the bracket 110. It is noted that also implicit in the disclosure is the use of a second pair of fasteners such as screws, that would extend through the apertures of the third mounting means to secure the bracket 110 to the vehicle. Because the fasteners pass through the resilient material, they provide a direct physical path for vibration to travel from the detector housing 100 to the bracket 110. Thus, the structure disclosed in the Schaible et al. reference does not

include a continuous layer of resilient material that forms an insulative barrier that completely isolates the outer supporting bracket from the control unit to prevent any contact between the outer supporting structure and the control unit, as recited in amended claim 16. Indeed, by providing a direct path connecting the detector housing 100 to the bracket 110, applicants believe that the Schaible et al. reference actually teaches away from the structure recited in amended claim 16.

Regarding the second method for attaching the detector housing 100 to the bracket 110, column 4, lines 47 through 50 of the Schaible et al. reference states that:

> Alternatively, the housing 100 is held in the bracket 110 by resilient fastening means (not shown), such as *rubber pads with threaded mounting screws*. (Emphasis Added.)

Again, it is implicit that the threaded mounting screws must pass through the rubber pads in order to secure the detector housing 100 to the mounting bracket 110. Accordingly, the mounting screws provide a path for vibration to travel from the detector housing 100 to the mounting bracket 110. Thus, applicants believe that an insulative barrier that completely isolates the outer supporting bracket from the control unit to prevent any contact between the outer supporting structure and the control unit, as recited in amended claim 16, is not disclosed in the second mounting method disclosed in Schaible et al. reference. Accordingly, for the reasons stated above, applicants believe that amended independent claim 16 is patentable over the art of record and respectfully request that the Examiner withdraw his rejection of the claim.

Regarding claims 17 and 18, the claims are dependent upon amended independent claim 16 and include all of the limitations recited therein. Accordingly, for the reasons given above, applicants also believe that claims 17 and 18 are patentable over the art of record and respectfully request that the Examiner withdraw his rejection of the claims.

Applicants have added new independent claim 24 and new claims 25 through 28 that are dependent upon new claim 24. The new claims are fully supported by Figs. 3 and 3A in the application and thus do not add any new material.

New independent claim 24 is similar to amended independent claim 1, but recites a generally L-shaped outer supporting shell in place of a generally U-shaped outer supporting shell. Accordingly, for the reasons presented above regarding amended independent claim 1, applicants believe that new claim 24 is patentable over the art of record and respectfully request that the Examiner allow the claim.

Regarding dependent claim 25, it is similar to amended dependent claim 2, but recites a generally L-shaped outer supporting shell in place of a generally U-shaped outer supporting shell. Accordingly, for the reasons presented above regarding amended dependent claim 2, applicants also believe that new claim 25 is patentable over the art of record and respectfully request that the Examiner allow the claim.

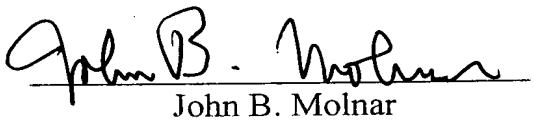
Regarding new claim 28, the claim is similar to claim 5 and recites that a layer of resilient material is adhesively bonded to both an outer supporting shell and an inner supporting structure. Accordingly, for the same reasons given above regarding the patentability of claim 5, applicants also believe that new claim 28 is patentable over the art of record and respectfully request that the Examiner allow the claim.

Regarding new claims 26 and 27, the claims are similar to claims 3 through 5 and are dependent upon new claims 24 and 25. Therefore, new claims 26 and 27 include all of the limitations recited in new claims 24 and 25. Accordingly, for the reasons presented above, applicants believe that new claims 26 and 27 are patentable over the art of record and respectfully request that the Examiner allow the claims.

In the Office Action, the Examiner further stated that claims 15 and 23 were allowed.

In view of the amendments and above remarks, it is believed that the application is now in condition for allowance.

Respectfully submitted,



John B. Molnar
Reg. No. 31,914

MacMillan, Sobanski & Todd, LLC
One Maritime Plaza, Fifth Floor
720 Water Street
Toledo, Ohio 43604
(419) 255-5900